

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

**IN RE: DIGITEK PRODUCT LIABILITY
LITIGATION**

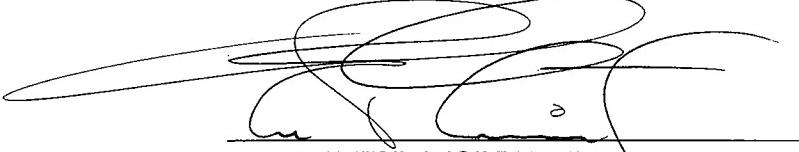
MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

AFFIDAVIT OF MATTHEW P. MORIARTY

1. My name is Matthew P. Moriarty. I am co-lead counsel for the Actavis Defendants in this litigation. I am licensed to practice law in Ohio, West Virginia, and Florida.
2. On August 24, 2011, before 12:23 p.m., eastern time, Plaintiffs' Counsel, Terry Kilpatrick, called to inform me that Plaintiffs intended to file numerous exhibits to their responses to Defendants' dispositive motions under seal. He told me that the exhibits were thousands of pages and asked if we would accept service of said exhibits via CD or DVD.
3. I agreed to accept service via CD or DVD shipped overnight
4. On August 24, 2011 at 12:23 p.m., eastern time, Mr. Kilpatrick, sent me an email confirming this conversation – “I am writing to confirm our conversation wherein you graciously agreed to accept service of the unredacted copy of confidential documents attached to our Opposition motions being filed today on a CD or DVD. Per our conversation, I understand you will reply back to this e-mail in the affirmative.” A true and accurate copy of this email is attached hereto as Exhibit A.
5. I responded via email that I agree to accept service of said documents on CD or DVD. Exh. A.
6. There was no discussion of specific exhibits and no exchange of a list of them.

7. To the best of my memory, at no point on August 24, 2011 or before, did any of Plaintiffs' counsel, including Mr. Kilpatrick, ask whether we could waive the confidentiality of any exhibit they were filing in response to Defendants' dispositive motions.



MATTHEW P. MORIARTY

SWORN TO AND SUBSCRIBED in my presence this 12th day of September, 2011.



LINDA J. HAASLERA
NOTARY PUBLIC

